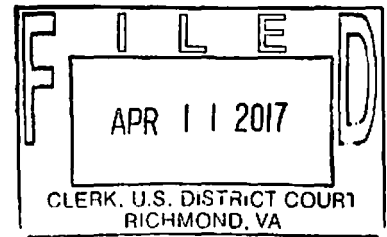


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division



DAVID MATTHEW MCKINNEY,

Petitioner,

v.

Civil Action No. 3:17CV103

JOHN WALRATH, et al.,

Respondents.

MEMORANDUM OPINION

Petitioner, David Matthew McKinney, a Virginia inmate proceeding pro se, petition for a writ of habeas corpus under 28 U.S.C. § 2254 wherein he challenges his sentences for eight counts of robbery, eight counts of attempted robbery, seven counts of use of a firearm in the commission of a felony, grand larceny, and conspiracy in the Circuit Court for the City of Virginia Beach. On March 11, 2008, the Court denied a § 2254 petition filed by McKinney challenging the above convictions. McKinney v. Ray, No. 3:07CV266, 2008 WL 652111, at *1, *3 (E.D. Va. Mar. 11, 2008).

The Antiterrorism and Effective Death Penalty Act of 1996 restricted the jurisdiction of the district courts to hear second or successive applications for federal habeas corpus relief by prisoners attacking the validity of their convictions and sentences by establishing a "'gatekeeping' mechanism." Felker v. Turpin, 518 U.S. 651, 657 (1996). Specifically,

"[b]efore a second or successive application permitted by this section is filed in the district court, the applicant shall move in the appropriate court of appeals for an order authorizing the district court to consider the application." 28 U.S.C. § 2244(b)(3)(A). The Court has not received authorization from the United States Court of Appeals for the Fourth Circuit to file the present § 2254 Petition. Therefore, the action will be dismissed for want of jurisdiction. The Court will deny a certificate of appealability.

An appropriate Final Order will accompany this Memorandum Opinion.

Date: *April 10, 2017*
Richmond, Virginia

/s/ REX

Robert E. Payne
Senior United States District Judge